

Exhibit 58

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Counsel for Plaintiff Electrograph Systems, Inc. and
 Electrograph Technologies Corp.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

In re: TFT-LCD (FLAT PANEL)
 ANTITRUST LITIGATION

This Document Relates To:

AT&T Mobility, LLC, et al. v. AU Optronics Corp., et al., No. 09-cv-4997-SI

Electrograph Systems, Inc., et al. v. Epson Imaging Devices Corp., et al., No. 10-cv-0117-SI

Best Buy Co., Inc., et al. v. AU Optronics Corp., et al., No. 10-cv-04572-SI

Target Corp., et al. v. AU Optronics Corp., et al., No. 10-cv-4945-SI

Costco Wholesale Corp. v. AU Optronics Corp., et al., No. 11-cv-00058-SI

Master File No. 3:07-md-01827-SI (N.D. Cal.)

Case Nos. 09-cv-4997; 10-cv-0117; 10-cv-4572; 10-cv-4945; 11-cv-00058

MDL No. 1827

**DECLARATION OF PHILIP J. IOVIENO
 IN SUPPORT OF PLAINTIFFS'
 OPPOSITION TO DEFENDANTS'
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT FOR LACK OF STANDING
 UNDER *ILLIONIS BRICK* AND *ATM FEE***

**DOCUMENT SUBMITTED UNDER
 SEAL**

1 I, **PHILIP J. IOVIENO**, declare as follows:

2 1. I am a partner at the law firm of Boies, Schiller & Flexner LLP, counsel for Plaintiffs
3 Electrograph Systems, Inc. and Electrograph Technologies Corp. (“Electrograph”), and am
4 licensed to practice law in the State of New York. Except for those matters stated on information
5 and belief, which I believe to be true, I have personal knowledge of the facts stated herein, and, if
6 called as a witness, I could and would competently testify thereto.

7 **DEFENDANT AND CO-CONSPIRATOR CORPORATE FAMILIES**

8 **EPSON**

9 1. Attached hereto as Exhibit 1 is a true and correct copy of Seiko Epson Corporation’s
10 2003 Annual Report. During the conspiracy period Epson America, Inc. was a wholly owned
11 subsidiary of co-conspirator Seiko Epson Corporation. *Id.* at 60.

12 2. Attached hereto as Exhibit 2 is a true and correct copy of Seiko Epson Corporation’s
13 2011 Annual Report. Epson America, Inc. is a wholly owned subsidiary of co-conspirator Seiko
14 Epson Corporation. *Id.* at 88.

15 **HITACHI**

16 **Hitachi America Ltd.**

17 3. Attached hereto as Exhibit 3 is a true and correct copy of 2002 Hitachi, Ltd.’s Form
18 20-F. During the conspiracy period, Hitachi America Ltd. was a wholly owned subsidiary of
19 Defendant Hitachi, Ltd. *Id.* at 19.

20 4. Attached hereto as Exhibit 4 is a true and correct copy of 2011 Hitachi, Ltd.’s Form
21 20-F. Hitachi America Ltd. is a wholly owned subsidiary of Defendant Hitachi, Ltd. *Id.* at 24

22 **Hitachi High Technologies America, Inc.**

23 5. During the conspiracy period, Defendant Hitachi, Ltd. owned a majority of the shares
24 of Hitachi High-Technologies Corporation, a Japanese corporation. Exh. 3 at 18.

25 6. Attached hereto as Exhibit 5 is a true and correct copy of Hitachi High-Technologies
26 America, Inc.’s Fed. R. App. P. 26.1 Corporate Disclosure Statement in *Ta Chong Bank Ltd. v.*
27 *Hitachi High Technologies America, Inc.*, Case No. 08-17007, Dkt. No. 6814323 (9th Cir. Feb. 19,

2009). Hitachi High-Technologies America, Inc. is a wholly owned subsidiary of Hitachi High-Technologies Corporation. *Id.*

Hitachi Software Engineering America, Ltd.

7. During the conspiracy period, Defendant Hitachi, Ltd. owned a majority of the shares of Hitachi Software Engineering Co., Ltd. Exh. 3 at 18.

8. Attached hereto as Exhibit 6 is a true and correct copy of a brochure issued titled Hitachi in North America – Group Companies and Affiliates, available at http://www.hitachi.ca/jsp/hcl/supportingdocs/en/about/hitachi_north_america_brochure.pdf (retrieved on Aug. 19, 2012). Hitachi Software Engineering America, Ltd. is a wholly owned subsidiary of Hitachi Software Engineering Co., Ltd. *Id.*

LGE

9. Attached hereto as Exhibit 7 is a true and correct copy of LG Electronics Inc.’s Audit Report on Consolidated Financial Statements for the year ended December 31, 1999. During the conspiracy period LG Electronics USA, Inc. was a wholly owned subsidiary of co-conspirator LG Electronics Inc. *Id.* at 13.

10. Attached hereto as Exhibit 8 is a true and correct copy of LG Electronics Inc.’s Interim Consolidated Financial Statements through March 31, 2012. LG Electronics USA, Inc. is a wholly owned subsidiary of co-conspirator LG Electronics Inc. *Id.* at 13.

MITSUBISHI

Mitsubishi Digital Electronics America, Inc.

11. Attached hereto as Exhibit 9 is a true and correct copy of a letter from Mitsubishi Digital Electronics America, Inc. to the Federal Communications Commission dated October 30, 2003. During the conspiracy period, Mitsubishi Digital Electronics America, Inc. was an indirectly wholly owned subsidiary of co-conspirator Mitsubishi Electric Corporation. *Id.*

12. Attached hereto as Exhibit 10 is a true and correct copy of Mitsubishi Digital Electronics America, Inc.’s Rule 7.1 Corporate Disclosure Statement in *Genoa Color Technologies, Ltd. v. Mitsubishi Electric Corp., et al.*, Case No. 07-cv-6233, Dkt. No. 15 (S.D.N.Y. Sept. 5, 2007). Mitsubishi Digital Electronics America, Inc. is a wholly owned

1 subsidiary of Mitsubishi US Holdings, which is a wholly owned subsidiary of co-conspirator
2 Mitsubishi Electric Corporation. *Id.*

3 **Mitsubishi Electronics America, Inc.**

4 13. Attached hereto as Exhibit 11 is a true and correct copy of a 1999 Mitsubishi
5 brochure, available at <http://icwic.cn/icwic/data/pdf/cd/cd035/Image%20Sensor/a/118868.pdf>
6 (retrieved on Aug. 19, 2012). During the conspiracy period, Mitsubishi Electronics America, Inc.
7 was a wholly owned subsidiary of co-conspirator Mitsubishi Electric Corporation. *Id.* at 2.

8 **Mitsubishi Wireless Communications Inc.**

9 14. Attached hereto as Exhibit 12 is a true and correct copy of a press release issued by
10 Mitsubishi on November 25, 1998, available at [http://www.mitsubishielectric-](http://www.mitsubishielectric-usa.com/news/1998/112598.html)
11 [usa.com/news/1998/112598.html](http://www.mitsubishielectric-usa.com/news/1998/112598.html) (retrieved on Aug. 19, 2012). During the conspiracy period,
12 Mitsubishi Wireless Communications Inc. was a joint venture between co-conspirator Mitsubishi
13 Electric Corporation and the trading company Mitsubishi Corporation. *Id.*

14 15. Attached hereto as Exhibit 13 is a true and correct copy of a press release issued by
15 Mitsubishi on September 14, 2001, available at
16 http://www.mitsubishielectric.com/news/news_releases/2001/mel0520.html (retrieved on Aug. 19,
17 2012). During the conspiracy period, co-conspirator Mitsubishi Electric Corporation owned 86.7
18 percent of the shares of Mitsubishi Wireless Communications Inc. *Id.* Mitsubishi Wireless
19 Communications Inc. was dissolved on March 31, 2002. *Id.*

20 **NEC**

21 **NEC Display Solutions of America, Inc. (f/k/a NEC-Mitsubishi Electronics Display of America, Inc.)**

22 16. Attached hereto as Exhibit 14 is a true and correct copy of 2000 NEC Corporation's
23 20-F filing. In January 2000, NEC Corp. transferred its display monitor systems to a joint venture,
24 NEC-Mitsubishi Electric Visual Systems Corporation ("NM Visual"), established by co-
25 conspirators NEC Corp. and Mitsubishi Electric Corporation. *Id.* at 5.

26 17. Attached hereto as Exhibit 15 is a true and correct copy of a European Commission
27 Article 6(1)(b) Decision dated March 4, 2000, regarding the NM Visual joint venture. During the
28 conspiracy period, NM Visual was managed by a board of directors that consisted of an equal

1 number of directors from co-conspirators NEC Corp. and Mitsubishi Electric Corporation. *Id.* at 2.
2 Decisions on key issues such as business plans, budgets and share transfers required approval from
3 two-thirds of all directors present. *Id.*

4 18. Attached hereto as Exhibit 16 is a true and correct copy of 2003 NEC Corporation's
5 20-F filing. During the conspiracy period, co-conspirator NEC Corp. had a 50 percent share in
6 equity and 50 percent ownership of voting shares in NM Visual. *Id.* at F-15.

7 19. Attached hereto as Exhibit 17 is a true and correct copy of a press release issued by
8 NEC issued on February 21, 2005, available at
9 http://www.necdisplay.com/documents/PressReleases/PressReleaseNMDA_022105.pdf (retrieved
10 on Aug. 19, 2012). NM Visual was the parent company of NEC-Mitsubishi Electronics Display of
11 America.

12 20. Attached hereto as Exhibit 18 is a true and correct copy of a press release issued by
13 NEC on April 1, 2005, available at [http://www.necdisplay.com/press-release/nec-mitsubishi-](http://www.necdisplay.com/press-release/nec-mitsubishi-begins-operations-as-nec-display-so/413)
14 [begins-operations-as-nec-display-so/413](http://www.necdisplay.com/press-release/nec-mitsubishi-begins-operations-as-nec-display-so/413) (retrieved on Aug. 19, 2012). In 2005, NEC-Mitsubishi
15 Electronics Display of America was renamed NEC Display Solutions of America, Inc., became a
16 wholly owned subsidiary of co-conspirator NEC Corporation, and sold NEC's finished products,
17 including monitors and projectors, in the U.S. under the name NEC Display Solutions. *Id.*

18 **NEC Technologies Inc.**

19 21. During the conspiracy period, NEC Technologies Inc. was a wholly owned
20 subsidiary of co-conspirator NEC Corporation. Exh. 14 at F-15.

21 **NEC Solutions (America), Inc.**

22 22. Attached hereto as Exhibit 19 is a true and correct copy of a press release issued by
23 NEC dated April 1, 2002, available at <http://www.nec.co.jp/press/en/0204/0102.html> (retrieved on
24 Aug. 19, 2012). NEC Solutions (America), Inc. was formed in April 2002 by the merger of NEC
25 Technologies Inc., NEC Computers Inc., and NEC Systems, Inc. *Id.*

26 23. During the conspiracy period, co-conspirator NEC Corp. had a 100 percent
27 ownership interest in NEC Solutions, (America) Inc. Exh. 16 at 24.

1 **NEC America, Inc.**

2 24. During the conspiracy period, NEC America Inc. was a wholly owned subsidiary of
3 NEC Corporation. *Id.* at 24.

4 **NEC Corporation of America**

5 25. Attached hereto as Exhibit 20 is a true and correct copy of a press release issued by
6 NEC on April 26, 2006, available at <http://www.nec.co.jp/press/en/0604/2602.html> (retrieved on
7 Aug. 19, 2012). NEC Corporation of America was formed in 2006 by the merger of NEC
8 America, Inc., NEC Solutions (America), Inc., and NEC USA, Inc. *Id.*

9 26. Attached hereto as Exhibit 21 is a true and correct copy of a press release issued by
10 co-conspirator NEC Corp. of America on July 3, 2006, available at
11 [http://www.necunifiedsolutions.com/main/NewsEvents/NewPressPage.asp?release=2006070301.x](http://www.necunifiedsolutions.com/main/NewsEvents/NewPressPage.asp?release=2006070301.xml)
12 [ml](http://www.necunifiedsolutions.com/main/NewsEvents/NewPressPage.asp?release=2006070301.xml) (retrieved on Aug. 19, 2012). NEC Corporation of America was the North American
13 subsidiary of NEC Corporation. *Id.*

14 27. Attached hereto as Exhibit 22 is a true and correct copy of a press release issued by
15 NEC Corporation of America on March 13, 2012, available at
16 <http://www.necam.com/About/read.cfm?ID=9c1e04a3-80b8-481f-9370-be6ed51393f3> (retrieved
17 on Aug. 19, 2012). NEC Corporation of America is a wholly owned subsidiary of co-conspirator
18 NEC Corp. *Id.*

19 **Packard Bell NEC, Inc.**

20 28. During the conspiracy period, co-conspirator NEC Corp. held a majority of the voting
21 shares of Packard Bell NEC, Inc. Exh. 14 at F-16.

22 **PANASONIC**

23 **Panasonic Corporation of North America**

24 29. Attached hereto as Exhibit 23 is a true and correct copy of a Panasonic Corporation's
25 (f/k/a Matsushita Electrical Industrial Co., Ltd.) 2003 Form 20-F. During the conspiracy period,
26 Panasonic Corporation of North America (f/k/a Matsushita Electric Corporation of America) was a
27 wholly owned subsidiary of co-conspirator Panasonic Corporation. *Id.* at 29.

Panasonic Broadcast and Television Systems Company

30. Attached hereto as Exhibit 24 is a true and correct copy of a warranty issued by Panasonic Corporation of North America, available at ftp://ftp.panasonic.com/pub/Panasonic/drivers/pbts/manuals/WT_PBTS.pdf (retrieved on Aug. 19, 2012). Panasonic Broadcast and Television Systems Company is a unit of Panasonic Corporation of North America. *Id.*

Panasonic Consumer Electronics (Panasonic CE)

31. Attached hereto as Exhibit 25 is a true and correct copy of Panasonic Corporation of North America's Rule 7.1 Corporate Disclosure Statement in *Hughes v. Panasonic Consumer Electronics Co.*, Case No. 10-cv-00846, Dkt. No. 11 (D.N.J. Apr. 27, 2010). Panasonic Consumer Electronics Company is a division of Panasonic Corporation of North America. *Id.*

Panasonic Communications & Systems Co.

32. Attached hereto as Exhibit 26 is a true and correct copy of *O'Brien v. Matsushita Elec. Corp. of America*, 1997 WL 764553 (W.D. Mo. 1997). Panasonic Corporation of North America (f/k/a Matsushita Electric Corporation of America) did business as Panasonic Communications and Systems Company. *Id.*

Panasonic Document Imaging Company

33. Attached hereto as Exhibit 27 is a true and correct copy of a 2001 press release issued by Panasonic, available at http://www.panasonic.com/MECA/press_releases/access_081501.pdf (retrieved on Aug. 19, 2012). Panasonic Document Imaging Company was a "Business Unit" of Panasonic Corporation of North America (f/k/a Matsushita Electric Corporation of America). *Id.*

34. Attached hereto as Exhibit 28 is a true and correct copy of a Panasonic Service Information Guide dated October 18, 2001, available at http://www.panasonic.com/business/office/pub/techguide_dvd/service_info_guide4a.pdf (retrieved on Aug. 19, 2012). Panasonic Document Imaging Company was a division of Panasonic Corporation of North America (f/k/a Matsushita Electric Company of America). *Id.* at ii.

1 **Quasar**

2 35. Panasonic's products were marketed under the Quasar brand name during the
3 conspiracy period. Exh. 23 at 149.

4 **PHILIPS**

5 **Philips Electronics North America Corporation**

6 36. Co-conspirator Koninklijke Philips Electronics N.V. ("Royal Philips") is the ultimate
7 parent company of Philips Electronics North America Corporation ("PENAC"). Dkt. No. 4427,
8 Dec. 23, 2011 (Philips Electronics North America Corporation Answer to Target Corp., et al.'s
9 Second Amended Complaint) at ¶ 65.

10 **Philips Consumer Electronics Company/Philips Accessories and Computer**
11 **Peripherals/Philips Business Solutions**

12 37. Attached hereto as Exhibit 29 is a true and correct copy of PENAC's Responses and
13 Objections to Motorola Mobility, Inc. and Jaco Electronics, Inc.'s First Set of Interrogatories,
14 dated Oct. 29, 2011. Philips Consumer Electronics Company/Philips Accessories and Computer
15 Peripherals/Philips Business Solutions were run by PENAC as its divisions. *Id.* at 34-38.

16 **Magnavox**

17 38. Magnavox is a trademark and tradename owned by PENAC. *Id.*

18 **SAMSUNG**

19 **Samsung Electronics America**

20 39. Samsung Electronics America is wholly owned by Defendant Samsung Electronics
21 Co. Ltd. Dkt. No. 1608, Mar. 15, 2010 (Samsung's Answer to Electrograph Complaint) at ¶ 49.

22 **Samsung Digital Information Technology Division**

23 40. Attached hereto as Exhibit 30 is a true and correct copy of a press release issued by
24 Samsung issued on July 6, 2004, available at
25 http://www.samsung.com/us/news/newsRead.do?news_seq=2248 (retrieved on Aug. 19, 2012).
26 Samsung Digital Information Technology Division is a division of Samsung Electronics America.
27 *Id.*

1 **SANYO**

2 **SANYO Fisher Corporation**

3 41. Attached hereto as Exhibit 31 is a true and correct copy of co-conspirator SANYO
4 Electric Co., Ltd.'s 2010 Annual Report. SANYO North America Corporation is a subsidiary of
5 Sanyo Electric Co. *Id.* at 73.

6 42. Attached hereto as Exhibit 32 is a true and correct copy of a SANYO webpage titled
7 Corporate Information, available at <http://us.sanyo.com/Commercial-Projectors/Corporate->
8 Information (retrieved on Aug. 19, 2012). SANYO Fisher Company is a division of SANYO
9 North America Corporation. *Id.*

10 **SHARP**

11 **Sharp Electronics Corporation**

12 43. Attached hereto as Exhibit 33 is a true and correct copy of Sharp Electronics
13 Corporation's Rule 7.1 Corporate Disclosure Statement in *Weingarten v. AU Optronics Corp., et*
14 *al.*, Case No. 07-cv-04931-SI, Dkt. No. 1-14 (N.D. Cal. Sept. 24, 2007). Sharp Electronics
15 Corporation was a wholly owned subsidiary of Defendant Sharp Corporation. *Id.*

16 44. Attached hereto as Exhibit 34 is a true and correct copy of Sharp Corporation's 2012
17 Annual Report. Sharp Electronics Corporation is a consolidated subsidiary of Defendant Sharp
18 Corporation. *Id.* at 68.

19 **TOSHIBA**

20 **Toshiba America Inc.**

21 45. During the conspiracy period, Toshiba America Inc. was a wholly owned subsidiary
22 of Defendant Toshiba Corporation. Dkt. No. 3521, Sept. 9, 2011 (Toshiba Entities' Motion for
23 Partial Summary Judgment Under *Illinois Brick*) at 4-5.

24 **Toshiba America Information Systems, Inc.**

25 46. Attached hereto as Exhibit 35 is a true and correct copy of Toshiba Corporation's
26 1999 Annual Report. In 1999, Toshiba America Information Systems, Inc. was a wholly owned
27 subsidiary of Defendant Toshiba Corporation. *Id.* at 45.

1 47. During the conspiracy period, Toshiba America Information Systems, Inc. was a
2 wholly owned subsidiary of Toshiba America Inc. Dkt. No. 3521, Sept. 9, 2011 (Toshiba Entities’
3 Motion for Partial Summary Judgment Under *Illinois Brick*) at 4-5.

4 **Toshiba America Consumer Products**

5 48. In 1999, Toshiba America Consumer Products was a wholly owned subsidiary of
6 Defendant Toshiba Corporation. Exh. 35 at 45.

7 49. Attached hereto as Exhibit 36 is a true and correct copy of a statement by Toshiba
8 America Inc. on its website, available at http://www.toshiba.com/tai/about_us.jsp (retrieved on
9 Aug. 20, 2012). Toshiba America Inc. is the holding company of Toshiba America Consumer
10 Products. *Id.*

11 **ENTITIES WITH OWNERSHIP OR CONTROL AFFILIATION**

12 **WITH DEFENDANTS AND CO-CONSPIRATORS**

13 **BENQ/AUO**

14 **BenQ America Corporation (f/k/a Acer Peripherals America Inc.)**

15 50. Attached hereto as Exhibit 37 is a true and correct copy of excerpts of AU Optronics
16 Corp.’s 2004 Form 20-F/A dated May 7, 2004. BenQ owned 14.38 percent of Defendant AUO’s
17 outstanding shares in 2004. *Id.* at 63. BenQ was Defendant AUO’s “major shareholder.” *Id.* at
18 62-63. BenQ accounted for 19.9 percent of Defendant AUO’s sales in 2004. *Id.* at 14. BenQ’s
19 influence as Defendant AUO’s “largest shareholder” and one of its “largest customers” caused
20 AUO to issue a warning to other shareholders that “BenQ’s substantial interest in [AUO] may lead
21 to conflicts of interest affecting [AUO’s] sales decisions or allocations.” *Id.* at 14. K.Y. Lee
22 served as Chairman of AUO and Chairman and CEO of BenQ. *Id.* at 58. His-Hua Sheaffer Lee
23 served as a Director of AUO and President and COO of BenQ. *Id.* Ko-Yun Yu served as a
24 Supervisor of AUO and CFO of BenQ. *Id.* BenQ had three representative directors on AUO’s
25 board. *Id.*

26 51. Attached hereto as Exhibit 38 is a true and correct copy of AUO’s 2005 Form 20-F
27 dated September 12, 2005. “In 2004, [Defendant AUO] purchased 126,600,000 shares of BenQ
28 representing a 5.47% equity interest in BenQ. As [AUO] and BenQ share a common chairman

1 and chief executive officer, a second officer board member, and have other commercial
2 relationships, [AUO is] deemed to have significant influence over BenQ.” *Id.* at 37.

3 52. Attached hereto as Exhibit 39 is a true and correct copy of BenQ Corporation’s Non-
4 Consolidated Financial Statement for 2002, 2003 and 2004. BenQ was “the stockholder which
5 own[ed] the highest percentage of voting shares in AU[O],” and “exercise[d] significant influence
6 over AU[O]’s operating and financial policies.” *Id.* at 13.

7 53. BenQ America Corporation is a wholly owned subsidiary of BenQ (L) Corp., *id.* at
8 32, which is a wholly owned subsidiary of BenQ Corporation, *id.* at 10.

9 **CHIMEI/NEXGEN**

10 **NEXGEN Mediatech USA, Inc.**

11 54. Attached hereto as Exhibit 40 is a true and correct copy of a Chi Mei webpage,
12 available at http://www.chimei.com.tw/en/news-detail.asp?news_id=13 (retrieved on Aug. 20,
13 2012). NEXGEN Mediatech Inc. is jointly owned by Chi Mei Corporation and Defendant Chi
14 Mei Optoelectronics Corp. (c/k/a Chimei Innolux Corp.). “NEXGEN Mediatech Inc., a member
15 of the CHIMEI Group, was established as part of CHIMEI Group's vertical integration strategy for
16 optoelectronics investment. Led by CHIMEI Group Chairman Ho Jau-Yang and President Shi
17 Chia-chang.” *Id.*

18 55. Attached hereto as Exhibit 41 is a true and correct copy of a Chi Mei webpage titled
19 Directors and Supervisors, available at
20 http://atlas.pristine.com.tw/~mcclay/clients/cmo/directors_supervisors.php (retrieved on Aug. 20,
21 2012). Ching-siang Liao is the Chairman of the Board of Defendant CMO and chairman of Chi
22 Mei Corporation and Nexgen Mediatech Inc. *Id.* Jau-yang Ho is Vice-Chairman of the Board of
23 Defendant CMO, Chairman of Defendant CMO Japan Co., Ltd., and a director of Chi Mei
24 Corporation and Nexgen Mediatech Inc. *Id.* Biing-seng Wu is a director of Defendant CMO and
25 a member of the board of Nexgen Mediatech Inc. *Id.* Jack Lin is a director of Defendant CMO, a
26 supervisor at Nexgen Mediatech Inc. and Defendant CMO Japan, and a member of the board of
27 Chi Mei Corporation. *Id.* Chun Hwa-Hsu is a director and senior vice president at Defendant
28 CMO and a supervisor at Nexgen Mediatech Inc. *Id.*

56. Attached hereto as Exhibit 42 is a true and correct copy of Nexgen Mediatech U.S.A., Inc.'s Rule 7.1 Corporate Disclosure Statement in *Custom Audio Video v. Sharp Electronics Corporation, et al.*, Case No. 07-cv-00963, Dkt. No. 19-1 (D.N.J. Apr. 24, 2007). Nexgen Mediatech U.S.A., Inc. is a wholly owned subsidiary of Nexgen Mediatech Inc. *Id.*

SAMSUNG/SAMSUNG OPTO-ELECTRONICS

Samsung Opto-Electronics America, Inc.

57. Attached hereto as Exhibit 43 is a true and correct copy of Samsung Techwin Co., Ltd.'s Non-Consolidated Financial Statements for 2006. Defendant Samsung Electronics Co., Ltd. was the majority shareholder of Samsung Techwin Co., Ltd. with a 25.46% ownership. *Id.* at 10. During the conspiracy period, Samsung Opto-Electronics America, Inc. was a consolidated subsidiary of Samsung Techwin Co., Ltd. *Id.* at 39.

58. Attached hereto as Exhibit 44 is a true and correct copy of a Samsung press release dated January 6, 2009, available at http://www.samsungpresenterusa.com/board/news_detail.asp?NewsID=13&Type=1 (retrieved on Aug. 19, 2012). "Samsung Techwin America is the U.S. subsidiary of Samsung Techwin Co., Ltd. in Sungnam Kyungki-Do, Korea. Samsung is the world's 11th largest company." *Id.*

HANNSTAR/HANNSPREE

Hannspree California, Inc.

59. Attached hereto as Exhibit 45 is a true and correct copy of Hannspree Inc.'s Rule 7.1 Corporate Disclosure Statement in *Semiconductor Energy Laboratory Co. v. Hannstar Display Corp., et al.*, Case No. 06-cv-0190, Dkt. No. 37 (E.D. Tex. Oct. 11, 2006). Defendant HannStar Display Corp. owned more than 10% of Hannspree, Inc.'s shares. *Id.*

60. Attached hereto as Exhibit 46 is a true and correct copy of Hannspree Inc.'s Answer to Plaintiff's Second Amended Complaint and Counterclaims in *Semiconductor Energy Laboratory Co. v. Hannstar Display Corp., et al.*, Case No. 06-cv-0190, Dkt. No. 33 (E.D. Tex. Oct. 11, 2006). Defendant HannStar held a minority stake of Hannspree, Inc.'s shares. *Id.* at ¶ 3. Hannspree California Inc. is an indirect subsidiary of Hannspree Inc. *Id.* at ¶ 4.

61. Attached hereto as Exhibit 47 is a true and correct copy of Hannspree California Inc.'s Rule 7.1 Corporate Disclosure Statement in *Semiconductor Energy Laboratory Co. v. Hannstar Display Corp., et al.*, Case No. 06-cv-0190, Dkt. No. 36 (E.D. Tex. Oct. 11, 2006). Hannspree California's parent corporations were Hannspree USA Inc., Hannspree North America Holdings Limited, Hannspree International Holdings Limited, and Hannspree Inc. *Id.*

CHUNGHWA/TATUNG

Tatung Company of America

62. Attached hereto as Exhibit 48 is a true and correct copy of Tatung Co., Ltd.'s 2011 Annual Report. Tatung Co., Ltd. owns 50 percent of the outstanding shares of Tatung Company of America, *id.* at 133, and Tatung Company of America operates as a subsidiary of Tatung Co., Ltd. *Id.* at 130. Tatung Co., Ltd., together with its directors, supervisors, and management, currently owns 24.22 percent of Defendant Chunghwa Picture Tubes, Ltd. *Id.* at 131. Tatung and Chunghwa have overlapping officers and directors. Dkt. No. 5547.

THIRD-PARTY DECLARATIONS

63. Attached hereto as Exhibit 49 is a true and correct copy of the Declaration of Joongmoo Byun of LG Electronics USA, Inc., sworn to on October 6, 2011.

64. Attached hereto as Exhibit 50 is a true and correct copy of the Declaration of Mark Wayne Fillers of Philips Electronics North America Corporation, sworn to on October 12, 2011.

65. Attached hereto as Exhibit 51 is a true and correct copy of the Declaration of Chris White of Acer America Corporation, sworn to on November 3, 2011.

66. Attached hereto as Exhibit 52 is a true and correct copy of the Declaration of William Brinkerhoff of Gateway, Inc., sworn to on November 3, 2011.

67. Attached hereto as Exhibit 53 is a true and correct copy of the Declaration of Antoine Simonnet of Hewlett-Packard Company, sworn to on November 18, 2011.

68. Attached hereto as Exhibit 54 is a true and correct copy of the Declaration of Arthur B. Moore of Westinghouse Digital, LLC, sworn to on November 18, 2011.

69. Attached hereto as Exhibit 55 is a true and correct copy of the Declaration of Seymour Liebman of Canon U.S.A. Inc., sworn to on November 29, 2011.

70. Attached hereto as Exhibit 56 is a true and correct copy of the Declaration of Siranush Arabian of Epson America, Inc., sworn to on December 7, 2011.

71. Attached hereto as Exhibit 57 is a true and correct copy of the Declaration of Jordan A. Matthews of JVC Americas Corporation, sworn to on December 12, 2011.

72. Attached hereto as Exhibit 58 is a true and correct copy of the Declaration of Mark Buckley of Apple Inc., sworn to on December 15, 2011.

DEPOSITIONS

73. Attached hereto as Exhibit 59 is a true and correct copy of excerpts of the Deposition of Scott Birnbaum, taken on February 19, 2009.

74. Attached hereto as Exhibit 60 is a true and correct copy of excerpts of the Deposition of Bob Scaglione, dated March 4, 2009.

75. Attached hereto as Exhibit 61 is a true and correct copy of excerpts of the Deposition of Masahiro Yokota, dated March 11, 2009.

76. Attached hereto as Exhibit 62 is a true and correct copy of excerpts of the Deposition of Junnosuke Tojo, dated March 31, 2009.

77. Attached here to as Exhibit 63 is a true and correct copy of excerpts of the Deposition of Frank Lincks, dated May 11, 2011.

78. Attached hereto as Exhibit 64 is a true and correct copy of excerpts of the Deposition of Dr. Leslie Marx, dated June 11, 2012.

79. Attached hereto as Exhibit 65 is a true and correct copy of excerpts of the Deposition of Rabih Chikhani, dated June 20, 2012.

DISCOVERY RESPONSES

80. Attached hereto as Exhibit 66 is a true and correct copy of excerpts of the Samsung Defendants' Responses to Indirect Purchaser Plaintiffs' Fifth Set of Requests for Production of Documents to Samsung Defendants, dated May 4, 2011.

EXPERT REPORTS

81. Attached hereto as Exhibit 67 is a true and correct copy of excerpts of the Expert Report of Edward A. Snyder, Ph.D., dated August 10, 2009, as to Indirect Purchaser Plaintiffs.

82. Attached hereto as Exhibit 68 is a true and correct copy of excerpts of the Expert Report of B. Douglas Bernheim, Ph.D., dated December 15, 2011, as to Electrograph.

83. Attached hereto as Exhibit 69 is a true and correct copy of excerpts of the Expert Report of B. Douglas Bernheim, Ph.D., dated December 15, 2011, as to Target, et al.

84. Attached hereto as Exhibit 70 is a true and correct copy of excerpts of the Expert Report of B. Douglas Bernheim, Ph.D., dated December 15, 2011, as to Best Buy.

85. Attached hereto as Exhibit 71 is a true and correct copy of excerpts of the Expert Report of B. Douglas Bernheim, Ph.D., dated December 15, 2011, as to Costco.

86. Attached hereto as Exhibit 72 is a true and correct copy of excerpts of the Expert Report of B. Douglas Bernheim, Ph.D., dated December 21, 2011, as to AT&T.

87. Attached hereto as Exhibit 73 is a true and correct copy of the excerpts of the Expert Report of Lorin M. Hitt, Ph.D, dated February 23, 2012, as to AT&T, Electrograph, Motorola, Nokia, and Target, et al.

88. Attached hereto as Exhibit 74 is a true and correct copy of excerpts of the Rebuttal Expert Report of Leslie Marx, Ph.D, dated May 11, 2012, as to Electrograph.

LG DISPLAY

89. Attached hereto as Exhibit 75 is a true and correct copy of LG Display's (f/k/a LG.Philips LCD Co., Ltd.) Form F-1 Registration Statement dated June 24, 2004, which states the following:

- LG Electronics and Philips entered into a Joint Venture Agreement for the ownership and operation of LG Display on July 26, 1999, at which time LG Display issued 50 percent of its stock to Philips (LG Electronics continued to hold the other 50%). *Id.* at F-7.
- LG Electronics and Philips had "ultimate responsibility for the management of [LG Display's] business affairs." *Id.* at 107.
- LG Display's Board of Directors had six members, one of whom was the Senior Vice President and Chief Financial Officer of LG Display, and the other five of whom were senior executives or board members of LG Electronics or Philips. *Id.* at 108. Three of these directors had served on the Board since 1999. *Id.*
- LG Electronics and Philips agreed to terminate the Joint Venture Agreement and enter into a shareholders' agreement prior to the initial public offering. *Id.* at 83.
- LG Electronics and Philips entered into a shareholders' agreement "to reflect certain corporate governance agreements between them as controlling shareholders." *Id.* at 118.

- LG Electronics and Philips owned all of the voting stock in the joint venture and “may continue to influence corporate decisions after the completion” of the stock offering. *Id.* at 24.
- The Joint Representative Directors, who jointly had the authority to act on behalf of LG Display, were Bon Joon Koo (LG CEO) and Ron Wirahadiraksa (Philips CFO). *Id.* at 107-8.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

91. Attached hereto as Exhibit 77 is a true and correct copy of LG Display’s Articles of Incorporation, which state that the CEO and CFO must serve as Joint Representative Directors of LG Display. *Id.* at Art. 29.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

93. Attached hereto as Exhibit 79 is a true and correct copy of LG Display’s Form 20-F, dated April 11, 2005, which states the following:

- LG Electronics and Philips had “significant influence over” LG Display’s “corporate decisions.” *Id.* at 16.
- Three of LG Display’s five outside directors had prior connections to LG or Philips: Bart van Halder (former director and group controller for Philips and CFO of Philips Medical Systems); Doug Dunn (former CEO of the Philips’ Consumer Electronics Division and Semiconductor Division); and Dongwoo Chun (former Executive Vice President of LG Semicon). *Id.* at 64.
- After LG Display’s initial public offering in July 2004 and as of December 31, 2004, LG Electronics and Philips each owned 44.57% of LG Display, and the public owned 10.86%. *Id.* at F-6.

94. Attached hereto as Exhibit 80 is a true and correct copy of LG Display’s Form 20-F, dated June 21, 2006, which states the following:

- LG Electronics and Philips Electronics had “significant influence over” LG Display’s “corporate decisions.” *Id.* at 17.
- Three of LG Display’s five outside directors had prior connections to LG or Philips: Bart van Halder (former director and group controller for Philips and CFO of Philips Medical Systems); Doug Dunn (former CEO of the Philips’ Consumer Electronics Division and Semiconductor Division); and Dongwoo Chun (former Executive Vice President of LG Semicon). *Id.* at 70.
- As of December 31, 2005, LG Electronics owned 37.90%, Philips owned 32.87%, and the public owned 29.23% of LG Display. *Id.* at F-7.

95. Attached hereto as Exhibit 81 is a true and correct copy of LG Display's Form 20-F, dated April 11, 2007, which states the following:

- LG Electronics and Philips Electronics had “significant influence over” LG Display’s “corporate decisions.” *Id.* at 16.
- Three of LG Display’s five outside directors had prior connections to LG or Philips: Bart van Halder (former director and group controller for Philips and CFO of Philips Medical Systems); Doug Dunn (former CEO of the Philips’ Consumer Electronics Division and Semiconductor Division); and Dongwoo Chun (former Executive Vice President of LG Semicon). *Id.* at 59.
- As of December 31, 2006, LG Electronics owned 37.90%, Philips owned 32.87%, and the public owned 29.23% of LG Display. *Id.* at F-9.

96. Attached hereto as Exhibit 82 is a true and correct copy of LG Displays' Registration for its Secondary Offering dated July 21, 2005, which states that "persons with ties to LG Electronics and Philips Electronics may account for as many as four directors on [the] board and will continue to exert substantial influence over the operation of [the] business." *Id.* at 26.

OTHER EXHIBITS

A series of horizontal black bars of varying lengths, some with small black squares to their left, representing redacted text.

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed this 20th day of August, 2012, at Albany, New York.

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/s/ Philip J. Iovieno
Philip J. Iovieno

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